

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Marcus Sharif McNeal,

Petitioner

V.

State of Nevada, et al.,

Respondents

2:16-cv-01618-JAD-GWF

Order

[ECF No. 8]

Pro se petitioner Marcus Sharif McNeal is currently serving two consecutive terms of 5 years after he was convicted of attempted murder, battery with a deadly weapon, and an enhancement.¹ He petitions for a writ of habeas corpus under 28 U.S.C. § 2254, arguing his Fourth, Fifth, Sixth, and Fourteenth Amendment rights were violated.² McNeal has moved to stay these federal habeas proceedings so that he could exhaust his exhausted claims in state court.³ I denied that motion because it appeared that his state-court proceedings had already concluded.⁴ McNeal then moved for reconsideration, arguing that his court appeal was pending.⁵ After reviewing the Nevada Supreme Court docket, it appears McNeal's case has now concluded.⁶ Accordingly, I deny McNeal's motion for

¹ ECF No. 1-1.

2 Id

³ ECF No 4

⁴ ECE No. 5

5 ECE No. 8

⁶ Case No. 71446 con-
district court. This in-
Management System
visited Nov. 13, 2011.

1 reconsideration as moot.

2 On October 17, 2017, McNeal filed a motion seeking production of several documents,⁷
3 which respondents opposed.⁸ McNeal later filed a motion to withdraw his request for
4 documents,⁹ along with a letter requesting that the Clerk of Court provide him with copies of his
5 habeas petitions in this case and in another case, 2:17-cv-2589-RFB-CWH. It appears from this
6 and other correspondence that McNeal has sent to the court that McNeal wishes to amend his
7 petition in this action.

8 Accordingly, IT IS HEREBY ORDERED that McNeal's motion for reconsideration
9 **[ECF No. 8] is DENIED as moot.**

10 IT IS FURTHER ORDERED that McNeal's motion to withdraw his motion for
11 production **[ECF No. 16] is GRANTED**, and McNeal's motion for production **[ECF No. 14] is**
12 **therefore WITHDRAWN.**

13 The **Clerk of Court** is directed to **SEND to McNeal** a copy of his petition in this case
14 **[ECF No. 6]** and a copy of his petition in **case 2:17-cv-2589-RFB-CWH [ECF No. 1-1]**.

15 IT IS FURTHER ORDERED that **McNeal has leave to amend his petition in THIS**
16 **ACTION.** McNeal has **until December 13, 2017, to file an amended petition.** If McNeal does
17 not file an amended petition by that date, this case will proceed on the original petition **[ECF No.**
18 **6].**

19 IT IS FURTHER ORDERED that in any amended petition, McNeal must **CLEARLY**
20 **TITLE the amended petition** as an amended petition by placing the word "**AMENDED**"
21 **immediately ABOVE "Petition for a Writ of Habeas Corpus"** on page 1 in the caption and
22 **PLACE THE DOCKET NUMBER** 2:16-cv-01618-JAD-GWF in the designated space above
23 the word "AMENDED." Under Local Rule LR 15-1, the amended petition must be complete in
24 itself without reference to previously filed papers. The claims and allegations that are stated in

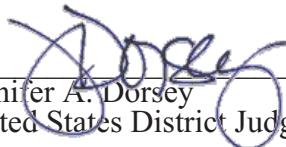
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26 ⁷ ECF No. 14.

27 ⁸ ECF No. 15.

28 ⁹ ECF No. 16.

1 the amended petition will be the only matters that I consider. Any claims or allegations that are
2 left out of the amended petition or that are not realleged in the amended petition will be forfeited.

3 DATED: November 13, 2017.

4 
5 Jennifer A. Dorsey
United States District Judge

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